

Ninety-Eighth Legislature - First Session - 2003 Committee Statement LB 121

Hearing Date: January 29, 2003

Committee On: Health and Human Services

Introducer(s): (Brown)

Title: Change provisions relating to the Mail Service Prescription Drug Act

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7 Yes Senator Jensen, Byars, Cunningham, Maxwell, Erdman, Johnson

and Stuthman

No

Present, not voting

Absent

Proponents: Representing:

Senator Brown Introducer

Richard Zarek Board of Pharmacy

Helen Meeks Nebraska Health and Human Services System

Bob Hallstrom Nebraska Pharmacists Association

Cara Potter National Association of Chain Drug Stores

Opponents: Representing:

Neutral: Representing:

Summary of purpose and/or changes: The bill changes the name of the "Mail Service Prescription Drug Act" to the "Mail Service Pharmacy Licensure Act" and requires every mail service pharmacy to be licensed by the Department of Health and Human Services Regulation and Licensure. As an additional qualification for such licensure, the bill requires a mail service pharmacy to employ a full-time pharmacist who holds a current unrestricted pharmacist license issued under the Uniform Licensing Law. A mail service pharmacy is required to file a licensure application with the department.

The bill amends section 71-2408 and requires the department to deny, refuse to renew, or revoke a mail service pharmacy license when the pharmacy license or permit issued by and valid

in the state from which such prescription drugs will be shipped, mailed, or otherwise delivered is disciplined in any way.

The bill deletes a definition of prescription drugs in the act and references the definition found in section 71-1,142.

Explanation of amendments, if any: The committee amendment (AM 290) makes the Nebraska-licensed pharmacist employed by the mail service pharmacy responsible for the mail service pharmacy's compliance with Nebraska pharmacy laws. The mail service pharmacy is also required to notify the department if the Nebraska-licensed pharmacist is no longer employed by the mail service pharmacy.

The amendment changes provisions relating to discipline of a mail service pharmacy license by the department. It permits the department to deny, refuse renewal of, revoke, or otherwise discipline a mail service pharmacy license for:

- 1. any discipline of the pharmacy license held by the mail service pharmacy in another state,
 - 2. any violation of the Mail Service Pharmacy Licensure Act, or
- 3. any act by the licensee in this state in any other state which constitutes a violation of any law or rule and regulations of this state relating to the operation of a pharmacy.

| Senator Jim J | ensen, Chai | irperson |
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